

Indiana Court Times

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Indiana Supreme Court Promulgates Rule Amendments

Submitted by Lilia Judson

As part of its rule making authority, the Indiana Supreme Court promulgated a number of amendments to the Indiana Rules of Court. Following is a summary of each amendment. The Clerk of the Supreme Court will forward a complete set to each Clerk of the Circuit Court. Also, the full text of each amendment is available on the Supreme Court web site at www.ai.org/judiciary/supreme. The amendments, except T.R. 53.2, are effective January 1, 1999.

TRIAL RULES

1. Trial Rule 5 - Service on special judges. The amendment requires that all matters served pursuant to T.R. 5 must also be served on any special judge who may be serving in the case.

2. Trial Rule 53.2 - Time for ruling on PCR. The amendment clarifies that the provisions of T.R. 53.2 apply to petitions for post conviction relief. This amendment is to take effect July 1, 1999.

3. Trial Rule 59 - Motion to correct error. The amendment creates a cross reference to T.R. 53.3 so that readers of T.R. 59 realize that motions to correct error may be deemed denied under T.R. 53.3.

4. Trial Rule 60 - Relief from judgment or order. The amendment requires an allegation of meritorious claim or defense in motions for relief from judgment.

5. Trial Rule 77 - Court records. The amendment adds a new section which provides that the clerk may make
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Live From Cyberspace!

Submitted by Ron Miller

Work continues on developing the presence of the Indiana Judiciary on the Internet. State Court Administration is adding information to its existing home page on Access Indiana (found at www.ai.org/judiciary/admin).

Updated information on the AIMS project was recently added to that web site, as well as a home page for the Information Management Section. Frequently requested forms are being prepared for the Internet and should be available by mid-December in both WordPerfect and Microsoft Word formats. Back issues of the *Indiana Court Times* will also be available through State Court Administration's web pages in the near future.

Development is also progressing on the Supreme Court's web server. The emphasis on projects for this web server are applications which can make the work of the trial courts and the legal community easier. Some initial proposed projects include: reporting of QCSR

information directly on the web, registration for Judicial Conference seminars, submission of CLE credits, and general information resource references to assist attorneys and judges. Although this site is presently under construction, users may visit www.courts.state.in.us after the first of the year to see what is planned.

In order to use these new resources as they become available, users will need a PC and a connection to the Internet. Anyone who is not presently connected to the Internet can find an Internet service provider in the yellow pages. Service is available in most counties for \$15 - \$30 per month. This normally includes unlimited access to the Internet and an e-mail account.

Is the Internet for You ?

Submitted by Ron Miller

Do terms like "cyberspace" and "World Wide Web" scare you? Does it seem as if everyone is riding the electronic superhighway but you? Don't panic!

What is the Internet?

The Internet is an enormous network connecting you and your computer with computers around the world and, by extension, with the people sitting at those computers. Governments, schools, companies, and individuals make information available on the Internet to everyone who wants it. There currently are more than 20 million people connected to the Internet—and that number is growing every day.

How do I start?

First you need a computer, PC or Macintosh, it doesn't matter. You also need a way to connect. This might be through a modem and phone line or through a network connection in your county government. If your connection is through a network, speak to your LAN or systems administrator for more information. If you are connecting through a "dial-up" or phone line, you will need a modem—a device that connects your computer to a telephone line. Modems can be internal or external. An internal modem goes inside your computer and has the advantage of not taking up desk space. An external modem is a separate unit outside your computer and has the advantage of being easily detached and then reconnected to a different computer. The most important factor in shopping for a modem is speed. The standard today is 28,800 bytes per second (BPS). If you use a slower modem, you may end up tearing out your hair as you wait for information to be transferred. Faster modems transfer data more efficiently and

reduce your waiting time, but are also generally more expensive.

Getting Connected

The easiest way for beginners to connect to the Internet is to subscribe for a fee to a commercial on-line service. Look in the yellow pages under the heading "Internet Service Providers." Service is generally available throughout the state for \$15-\$30 per month which normally includes unlimited access to the Internet and e-mail.

Four Most Popular Components of the Internet

◆ E-mail

Electronic mail allows you to write a letter and send it instantly, even if the person you are writing to is in another country. Initially created for business, it now is also widely used for all sorts of communications. Instead of writing a letter, addressing an envelope, buying and attaching a stamp and going out to mail the letter, you just type the recipient's e-mail address and your message on your computer, then press a button. Your message will be received almost immediately. Many e-mail software programs also allow you to attach documents, spreadsheets, or images to your messages.

◆ Chat Rooms

Similar to e-mail, chat rooms are interactive locations where you can visit and have an "electronic conversation" with a live person somewhere else in the world. As one

person types on his or her computer, the text appears on the other person's screen. In this way, a 2-way "conversation" takes place, but only with typed words.

◆ Usenet Groups

Usenet groups are generally organized into topical areas. Users can post information about a designated topic into the "discussion thread" and read notes or information posted by others. Usenet groups exist for virtually any topic imaginable.

◆ World Wide Web

The star of the Internet, affectionately known as the Web, is an interconnected collection of more than 50,000 sites or home pages (and growing at the rate of almost 1,000 a day). Web sites can be set up by anyone. In fact, some of the on-line services allow you to create your own. Most major companies have web sites, as do many governmental agencies, charitable organizations, schools, and international groups. There are Web sites devoted to every imaginable subject, from river rafting and basketball to the works of Shakespeare.

To locate something on the Web, go to your browser's search engine, and type the name or organization you want to locate. The search engine, which is an index of key words contained in web pages from all over the world, will generally give you a listing of possible matches, with the most likely matches first.

Trial Courts on the Web

Submitted by Ron Miller

Several Indiana trial courts throughout the state have published information about their own procedures and the judicial system on the Internet.

The Hon. Christopher Burnham, Morgan Superior Court, developed several pages which detail not only the workings of the courts in Morgan County, but also provide information about child support and other procedural processes. Judge Burnham became interested in the local Internet service provider, Scican, because of its initial direction as a non-profit entity providing service to schools. Scican now provides affordable Internet service to thousands of residents of Morgan County. The Morgan Superior Court #2 web site is located at www.scican.net/~cburnham/court/55d2.html

Magistrate Harold Brueseke, St. Joseph Probate Court, also has developed a web site which features

pictures and a progress report on the construction of a new juvenile facility. This site also includes a quarterly court calendar, updated information about child support regulations, and juvenile curfew information. The St. Joseph Probate web site is located at www.michiana.org/probate.

In addition to informational pages, many courts are expressing interest in putting case-related information on the Internet. Marion County courts already post case information through the Marion County government's website, CivicNet. Another project is currently being developed with Access Indiana and Delaware County. Courts around the country are well into this process. Several interesting examples can be found in Maricopa County, Arizona

(www.maricopa.gov/supert/ssc/sschome.html), Washtenaw County, Michigan (www.co.washtenaw.mi.us/depts/courts/index.htm), and Macon County, Illinois (court.co.macon.il.us). Because many issues are involved with posting case-related information on the Internet, the Indiana Supreme Court has amended Trial Rule 77 to require that clerks and courts receive approval from State Court Administration before posting judicial information on the Internet.

In addition to trial courts, the Indiana Supreme Court, the Indiana Tax Court, and the Indiana Court of Appeals have informational web pages on the Internet (www.ai.org/judiciary). If you sponsor a website, please inform the Division of State Court Administration so it can be included in future issues of the *Indiana Court Times*.



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court records available electronically via the Internet but only with the consent of the majority of courts of record in the county and with the approval of the Division of State Court Administration under the direction of the Supreme Court.

RULES FOR ALTERNATIVE DISPUTE RESOLUTION

ADR Pre Suit Mediation Guidelines and Forms --

The Indiana State Bar Association Board of Governors recommended that the Supreme Court publish as part of the rules book a set of *Pre Suit Mediation Guidelines and Forms*. The Court approved publication of the advisory guidelines.

RULES OF APPELLATE PROCEDURE

1. Appellate Rule 4. This amendment reflects legislative changes of agency names.

2. Appellate Rule 11 - Space limit on rehearing briefs. This amendment limits the length of petitions for rehearing and any supporting briefs, together, to 9 pages or 4,200 words.

RULES FOR SMALL CLAIMS

1. Small Claims Rule 11 - Judgment. This amendment makes it clear that the payment of interest (in addition to a judgment) must be completed before satisfaction of judgment may be entered.

ADMISSION AND DISCIPLINE RULES

1. Admission and Discipline Rule 3 - Pro hac vice admissions. The amendment places expanded responsibilities on out of state attorneys who seek temporary admission in Indiana for a particular proceeding. Such an attorney must file a petition in writing, make some showing

of good cause, consent to abide by Indiana Rules of Professional Conduct and discipline, give notice to the Clerk of the Supreme Court of the admission, and pay a registration fee.

2. Admission and Discipline Rule 29 - Mandatory Continuing Legal Education - Elimination of 3-year grace period for new attorneys. The Indiana State Bar Association Board of Governors recommended to the Supreme Court the elimination of the 3-year grace period for new attorneys. The amendment provides that attorneys admitted after December 31, 1998, shall commence meeting their CLE requirements starting on January 1 after the year of their admission by completing programs designated by the CLE Commission as appropriate for new lawyers.

INDIANA SUPREME COURT DISCIPLINARY COMMISSION RULES GOVERNING ATTORNEY TRUST ACCOUNT OVERDRAFT REPORTING

Pursuant to authority granted to it by Admission and Discipline Rule 23(24), the Disciplinary Commission may promulgate rules and regulations for the administration of attorney trust account overdraft reporting. Such rules must be approved by the Supreme Court. This amendment sets out conditions under which a lawyer may delegate trust account check signing authority to a non-attorney employee. It was promulgated by the Commission and approved by the Supreme Court.

RULES OF PROFESSIONAL CONDUCT

1. Prof. Cond.R. 7.3(C) - filing of letters of solicitation with the Disciplinary Commission. This amendment streamlines record keeping requirements in respect to solicitation materials submitted by attorneys to the Disciplinary Commission.

Administrative Rule 15

Reporting Requirements for Court Reporters

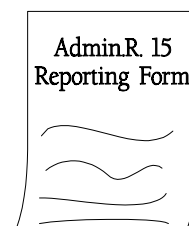
Submitted by Linda Loepker

Administrative Rule 15 requires that all court reporters file a report with the Division of State Court Administration of all transcript fees received by the court reporter. This rule also requires that reports be filed no less than annually on forms prescribed by the Division of State Court Administration.

The approved forms will be mailed to all courts along with other year-end forms. Transcripts should be

divided into three categories: county indigent, state indigent, and private. Completed forms must be returned to the Division of State Court Administration no later than April 30, 1999, for fees earned during the 1998 calendar year.

This reporting process will be followed in future years as well.



1998 Indiana CASA Conference

The Indiana Office of GAL/CASA hosted its 2nd annual conference for guardians ad litem and court appointed special advocates on Saturday, November 14, 1998 at the Indiana Government Center South Complex in Indianapolis.

The theme for this year's conference was "Embrace the Dream." Two hundred and thirty eight volunteers, program staff, directors, and board members had an opportunity to choose from fifteen workshops designed to assist persons advocating the best interests of abused and neglected children in the court system.

Mr. Bob Mitchell of Seven Counties Services Inc., Louisville, Kentucky gave the keynote address. Mr. Mitchell is a certified social

worker with over 35 years of experience in the field. Mr. Mitchell uses music and humor to get his message across to his listeners.

The conference featured an awards luncheon at which GAL/CASA volunteers were recognized for outstanding service. Ellen Phelps of the Tippecanoe County CASA program was selected as the "Child Advocate of the Year." Tony Rogers of Madison County CASA received the "Board Leadership Award."

This year's awards were spon-



sored by the Indianapolis area Kappa Alpha Theta alumnae. Other sponsors of the conference were the National CASA Association, AdvoKids Alliance, and Child Advocates, Inc. Without their assistance, this conference would not have been possible. Thank you!

Newest Staff Attorney at Supreme Court has Familiar Face

Kimberly A. Jackson began work as staff attorney for the Division of State Court Administration in September. Except for a three-year stint as Chief Deputy Clerk of the U.S. District Court for the Southern District of Indiana, the position she held until accepting the staff attorney position at the Division, she has worked for the Indiana Supreme Court for her entire legal career.

Ms. Jackson began her career as a law clerk to Chief Justice Randall T. Shepard in 1986, after graduating from the Indiana University School of Law, Indianapolis. She joined the Supreme Court Administrator's Office as a staff attorney in 1988 and was promoted to Assistant Administrator in 1991. In 1992, the Court appointed her Supreme Court Administrator, and she served in that capacity until joining the federal

court staff.

In her new role, Ms. Jackson will assist the Court primarily in special judge and attorney disciplinary matters. She also will work on a variety of special projects for which the Division of State Court Administration is responsible.

"I am delighted to be back at the Indiana Supreme Court," Ms. Jackson said. "My absence has only

intensified my respect and admiration for the Court, both as a workplace and as a judicial entity. Few people are lucky enough to work for the Court once in their careers. I've had two such opportunities, so I consider myself particularly blessed."

Ms. Jackson graduated from Indiana University in 1982 with degrees in journalism and political science. She worked as a reporter for The Evansville Courier from 1981 through 1983, when she moved to Indianapolis to begin law school.

Ms. Jackson resides in Indianapolis with her two children.

Retention of Supreme and Appellate Judges

All jurists on election ballot win statewide retention vote

The voters of Indiana smiled kindly on the Supreme and Appellate judges who were on the election ballot last month.

Court of Appeals Judge Carr Darden, Tax Court Judge Thomas Fisher, Chief Justice Randall T. Shepard and Justices Brent Dickson, Myra Selby and Theodore Boehm all won retention votes by wide margins.

All six jurists faced statewide retention votes during the General Election on November 3, 1998, and each won a ten-year term in office.

For Chief Justice Shepard, Justice Dickson and Judge Fisher, the November vote was their second retention ballot. Each was also retained in 1988, but this was the first retention vote for Justice Selby and Boehm and Judge Darden.

All the jurists won by margins of more than 71

percent. To win retention, the number of "yes" votes for a jurist must exceed 50 percent.

"I think the vote margins strongly suggest that the people who took the time to vote on the retention ballot believe our top judges are doing a fine job," said Chief Justice Shepard.

Chief Justice Shepard's margin of 72 percent was the highest among the six jurists. In fact, it was the highest retention margin for any Supreme Court Justice since the retention election system began in 1974.

Justice Frank Sullivan was retained by the voters in 1996.

Sheriff Lombardo to Retire After Two Decades With Court

Paul Lombardo, longtime sheriff of the Indiana Supreme Court, will retire at the end of the year, ending two decades of loyal service to the Court.

Lombardo, who joined the Court in 1978 after a career with the Indianapolis Police Department, is a well-known face in the Indiana State House. In his 20 years with the Court, he has befriended justices and governors, legislators and lawyers. Thousands of school children who have visited the Supreme Court were regaled with stories about the workings of the Court by Sheriff Lombardo. "His friendly and unflappable style has been an asset to the Court," said Chief Justice Randall T. Shepard.



"I can't say enough about Paul. Not only has he handled the duties of Supreme Court sheriff with distinction, he has become a true friend to the members of the Court and the staffers who make up the Supreme Court family. There will never be another like him," Chief Justice Shepard said.

A ceremony to mark his retirement will be held from 10 a.m. to 12:00 p.m. on December 30, 1998. Please RSVP to the Supreme Court Administrator's Office if you plan to attend.

New Members Named to Indiana Public Defender Commission

Submitted by Tom Carusillo

The Indiana Public Defender Commission has added three new members to its roster.

Effective August 10, 1998, Senator Timothy S. Lanane, of Anderson, was appointed by President Pro Tempore of the Senate, Robert D. Garton, to replace Senator Lonnie Randolph. Mr. Randolph had resigned from the State Senate to accept an appointment from the Governor to serve as a judge in East Chicago.

Senator Lanane represents Senate District 25, which includes Delaware, Henry and Madison counties. Senator Lanane serves on several Senate committees and has an interest in criminal justice, education and health and social services.

Also appointed to the Commission was Rebecca S. McClure, Assistant Executive Director of the Indiana Prosecuting Attorney's Council. Ms. McClure was appointed on September 16th by Chief Justice Randall T. Shepard to replace Bloomington attorney Barry S. Brown, whose term on the Commission had expired.

For 11 years Ms. McClure served as the Prosecuting Attorney in Boone County, and had also been a Public Defender there. Ms. McClure was on the state's Juvenile Code and Youth Gang Study Com-

mission in 1992. Currently, she chairs the Indiana Prosecutors' Capital Litigation Committee.

Effective November 9, 1998, House Speaker John R. Gregg appointed Representative Robert D. Kuzman to the Public Defender Commission. Rep. Kuzman, who represents House District 19, takes the place of Representative Thomas Alevizos, of Michigan City, who did not seek reelection to the House. A resident of Crown Point, Rep. Kuzman has served on the House Judiciary and the Courts and Criminal Code Committees. He has also served as vice chairman of the House Environmental Affairs Committee.

Legal Motions



Legal Motions features people changes in the Indiana Judiciary. If you have any news of retirements, resignation, new appointments, or people on the move, we would be happy to feature it.

Judicial Appointments

The Pre-Bench Orientation for newly elected judges sponsored by the Indiana Judicial Center was held on November 20, 1998. Conferees attending were: The Hon. Charles Pratt, **Allen Superior Court**; The Hon. Thomas C. Perrone, **Cass Superior Court**; The Hon. James D. Humphrey, **Dearborn/Ohio Circuit Court**; The Hon. Wayne J. Lennington, **Delaware Superior Court**; The Hon. Howard B. Lytton, Jr., **Dubois Superior Court**; The Hon. Michael Wilke, **Decatur Superior Court**; The Hon. Terry Shewmaker, **Elkhart Circuit Court**; The Hon. J.

Terrence Cody, **Floyd Circuit Court**; The Hon. Susan O. Henderson, **Fountain Circuit Court**; The Hon. Harris L. Whitis, **Harrison Circuit Court**; The Hon. Sherry Biddinger Gregg, **Knox Circuit Court**; The Hon. Richard Good, **Marion Superior Court**; The Hon. G. David Laur, **Noble Circuit Court**; The Hon. Loretta Rush, **Tippecanoe Superior Court**; The Hon. James Williams, **Union Circuit Court**; and The Hon. Robert J. Pigman, **Vanderburgh Superior Court**.

Marion Superior Court, Criminal Division: Amy Barnes was appointed as full-time Commissioner.

Robing of the Honorable Sanford M. Brook

The judges of the Indiana Court of Appeals along with their guests gathered in the Court Room of the Indiana Supreme Court on Friday, October 30, 1998, for the robing ceremony of the Hon. Sanford M. Brook. A reception followed in the Atrium outside the Supreme Court Court Room.

Judge Brook was appointed to the Indiana Court of Appeals in October, 1998. He fills the vacancy caused by the retirement of the Hon. George B. Hoffman.

Prior to taking the appellate bench, Judge Brook served as chief judge of the St. Joseph Superior Court for eleven years. He couples service on the bench with an appointment as an Adjunct Professor of Law at the Notre Dame Law School.

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The **Indiana Court Times** provides a communication link between court personnel and their administration. Our goal is to foster communications, respond to concerns, and contribute to the spirit and pride that encompasses the work of all members of the judiciary around the state.

We welcome your comments, suggestions and news. If you have an article, advertisement, announcement, or particular issue you would like to see in our publication, please contact us.

Indiana Court Times
Division of State Court Administration
115 W Washington ST STE 1080
Indianapolis IN 46204-3417
(317) 232-2542
e-mail: dguthrie@courts.state.in.us

Editorial Board

Lilia G. Judson, Executive Director
 Meg Babcock, Counsel
 Ron Miller, Statistical Analyst
 Deborah Guthrie, Production Coordinator

Contributors: Indiana Court of Appeals, Dave Remondini, Lilia Judson, Linda Loepker, Tom Carusillo, Ron Miller

Please Circulate to Co-workers

This newsletter reports on important administrative matters. For future reference, add it to your Trial Court Administrative Manual.

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Division of State Court Administration
 115 W Washington ST STE 1080
 Indianapolis IN 46204-3417